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PATENT DEPARTMENT
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EXAMINER	
STULTZ, JESSICA T	
ART UNIT	**PAPER NUMBER**
2873	

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/822,564	LINDACHER, JOSEPH MICHAEL	
	Examiner	Art Unit	
	Jessica T. Stultz	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12,14-16,18-39,41-43 and 45-59* is/are rejected.

7)☒ Claim(s) *13,17,40 and 44* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 April 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1204,0704,0404*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group Ia, claims 1-59 in the reply filed on July 19, 2005 is acknowledged and non-elected claims 60-71 have been cancelled.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 100 and 103. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to comply with 37 CFR 1.84(p)(5) because the drawings include the following reference character(s) not mentioned in the description: 104. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the specification will not be held in abeyance.

Claim Objections

Claims 16, 43, and 57 are objected to because of the following informalities: claims 16 and 43, line 4, "extends dowardly" should be "extends downwardly"; claim 57 line 2, "the ophthalmic lens" should be "the intraocular lens". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 54 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, in claim 54, the phrase "of claim 54" is unclear since a claim cannot be dependent from itself. The assumed meaning for purposes of examination is "of claim 53".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 14-16, 18, 30- 39, 41-43, and 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Ezekiel et al US 6,746,119 (herein referred to as Ezekiel et al '119).

Regarding claim 1, Ezekiel et al '119 discloses a contact lens (Abstract and Column 1, line 43-Column 2, line 65, wherein the contact lens is "10", Figures 1-4), comprising an anterior surface and an opposite posterior surface (Figures 1-4), wherein at least one of the surfaces includes a vertical meridian, a horizontal meridian, and a central optical zone (Abstract and Column 1, line 43-Column 2, line 65, wherein the central zone is the central corrective area shown on the front surface "12" of the lens "10", Figures 1-4), wherein the central optical zone has a top boundary, a bottom boundary (Shown in Figures 1-4, wherein the optical zone is segmented and has a top and bottom boundary), a distance vision zone and a rotationally-asymmetrical progressive zone adjacent to the distance vision zone (Abstract and Column 1, line 43-Column 2, line 65, wherein the distance vision zone is "16" and the aspheric, i.e. rotationally-asymmetric, vision zone "18" includes a progressive zone, Figures 1-4); wherein the distance vision zone is located in the upper portion of the central optical zone and provides a distance power for distance vision correction (Abstract and Column 1, line 43-Column 2, line 65, wherein the distance vision zone is "16", shown in Figures 1-4); wherein the rotationally-asymmetrical progressive zone is located in the lower portion of the optical zone and provides a variable intermediate vision correction and near vision correction (Abstract and Column 1, line 43-Column 2, line 65, wherein the vision zone "18" provides an intermediate progressive zone and a constant near vision zone, shown in Figures 1-4).

Regarding claim 30, Ezekiel et al '119 discloses a method for producing a contact lens capable of correcting presbyopia (Abstract and Column 1, line 43-Column 2, line 65, wherein the contact lens "10" provides near, far and intermediate vision and therefore corrects presbyopia, Figures 1-4), comprising the steps of designing the anterior and posterior surface of the lens, wherein at least one of the surfaces includes a vertical meridian, a horizontal meridian, and a central optical zone (Abstract and Column 1, line 43-Column 2, line 65, wherein the central zone is the central corrective area shown on the front surface "12" of the lens "10", Figures 1-4), wherein the central optical zone has a top boundary, a bottom boundary (Shown in Figures 1-4, wherein the optical zone is segmented and has a top and bottom boundary), a distance vision zone and a rotationally-asymmetrical progressive zone adjacent to the distance vision zone (Abstract and Column 1, line 43-Column 2, line 65, wherein the distance vision zone is "16" and the aspheric, i.e. rotationally-asymmetric, vision zone "18" includes a progressive zone, Figures 1-4); wherein the distance vision zone is located in the upper portion of the central optical zone and provides a distance power for distance vision correction (Abstract and Column 1, line 43-Column 2, line 65, wherein the distance vision zone is "16", shown in Figures 1-4); wherein the rotationally-asymmetrical progressive zone is located in the lower portion of the optical zone and provides a variable intermediate vision correction and near vision corrections (Abstract and Column 1, line 43-Column 2, line 65, wherein the vision zone "18" provides an intermediate progressive zone and a constant near vision zone, shown in Figures 1-4).

Regarding claims 2 and 31, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that the rotationally-asymmetrical progressive zone has an upper boundary, a lower boundary, a radial center, an upper vertically

radiating semi-meridian and a lower vertically radiating semi-meridian, (Abstract and Column 1, line 43-Column 2, line 65, wherein the upper boundary is the top of the zone "18" and the lower boundary is the bottom of zone "18" and the semi-meridian is a vertical line through the center of the lens, Figures 1-4), and wherein the rotationally-asymmetrical progressive zone further has a surface that provides a power profile that increases along the vertical semi-meridian, from the distance power at the upper boundary to a near power at the radial center and then remains substantially constant from the radial center to a point near the lower boundary along the vertical semi-meridian (Abstract and Column 1, line 43-Column 2, line 65, wherein the vision zone "18" provides an intermediate progressive zone and a constant near vision zone, shown in Figures 1-4).

Regarding claims 3 and 32, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that the anterior surface includes the vertical meridian, horizontal meridian, and central optical zone (Abstract and Column 1, line 43-Column 2, line 65, wherein the central zone is the central corrective area shown on the front, i.e. anterior, surface "12" of the lens "10", Figures 1-4), wherein the central optical zone has a top boundary, a bottom boundary (Shown in Figures 1-4, wherein the optical zone is segmented and has a top and bottom boundary), a distance vision zone and a rotationally-asymmetrical progressive zone adjacent to the distance vision zone (Abstract and Column 1, line 43-Column 2, line 65, wherein the distance vision zone is "16" and the aspheric, i.e. rotationally-asymmetric, vision zone "18" includes a progressive zone, Figures 1-4).

Regarding claims 4-5 and 33, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that central optical zone is a

circular zone which is concentric with the geometric center of the anterior or posterior surface (Shown in Figures 1-4).

Regarding claims 6 and 34, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that the distance zone extends downwardly from the top boundary of the central optical zone (Abstract and Column 1, line 43-Column 2, line 65, wherein the distance vision zone "16" extends from the top edge of the lens, Figures 1-4); wherein the lower boundary line of the distance zone with the rotationally-asymmetrical progressive zone is at or slightly below a horizontal line passing through the center of the central optical zone and parallel with the horizontal meridian, at least in its central portion (Abstract and Column 1, line 43-Column 2, line 65, wherein the aspheric, i.e. rotationally-asymmetric, vision zone "18" is slightly below a horizontal line passing through the center of the central optical zone and parallel with the horizontal median, Figures 1-4).

Regarding claims 7 and 35, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that the apex of the distance vision zone coincides with the center of the central optical zone and wherein the optical axis of the lens passes through the apex of the distance vision zone and the center of the optical zone of the posterior surface (Abstract and Column 1, line 43-Column 2, line 65, shown in Figures 1-4).

Regarding claims 8 and 36, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses the radial center is located below the center of the central optical zone and on the vertical meridian and wherein the distance between the radial center and the optical axis of the lens is about 2.0 mm or less (Abstract and

Column 1, line 43-Column 2, line 65, wherein the overall lens is 10-16 mm and therefore the radial center as shown in Figures 1-4, is less than about 2.0 mm below the optical axis).

Regarding claims 9-11 and 37-38, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that a first line passing through the radial center and the center of curvature at the radial center intersects the optical axis of the lens, wherein the intersection point is within 2 mm or less, specifically 0.5 mm or less, of the center of curvature at the apex of the posterior surface (Abstract and Column 1, line 43-Column 2, line 65, wherein the overall lens is 10-16 mm and therefore the a line passing through the radial center and the optical axis as shown in Figures 1-4, would be less than about 0.5 mm away from the center of curvature or the posterior surface) but does not specifically disclose that this causes a lateral separation of the distance formed image and the progressive formed image to minimize or eliminate ghost images. However, it is inherent that lens would reduce ghost images, this being reasonably based upon the fact that a spacing between the optical axis and a progressive zone would allow proper alignment of focus for the distance and intermediate zone vision and reduce secondary images (Shown in Figures 1-4).

Regarding claims 12 and 39, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that the rotationally-asymmetrical progressive zone is tangent to the distance vision zone at any point along the upper and lower boundaries of the rotationally-asymmetrical progressive zone (Shown in Figures 2 and 4).

Regarding claims 14-15 and 41-42, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that the lens includes an

orientation features, specifically a ridge to interact with the eyelid (Column 3, lines 11-41, wherein the ridge is the truncation portion ""52", Figures 3-4).

Regarding claims 16 and 43, Ezekiel et al '119 discloses a contact lens and method of making an contact lens as shown above and further discloses that the lens comprises a ramped ridge zone disposed below the optical zone and includes an upper boundary, a lower ramped boundary, a latitudinal ridge that extends outwardly from the anterior surface, and a ramp that extends downwardly from the lower ramped boundary and has a curvature or slope that provides a varying degree of interaction between the ramped ridge zone and the lower eyelid of an eye depending on where the lower eyelid strikes the ramped ridge zone (Column 3, lines 11-41, wherein the ridge is the truncation portion ""52", which moves the lens depending on where the ridge touches the lower eyelid, Figures 3-4).

Regarding claim 18, Ezekiel et al '119 discloses a contact lens and method of making a contact lens as shown above and further discloses that the lens is a hard or soft lens (Abstract and Column 1, lines 14-26 and Column 2, lines 4-9, wherein the contact lens "10" is made of a soft, flexible material, Figure 1).

Regarding claims 45-47, Ezekiel et al '119 discloses a method of making a contact lens as shown above and further discloses the lens is made by a computer-controllable lathe (Column 3, lines 34-41, wherein the contact lens is made using a lathe, Figure 3).

Claims 19-29 and 48-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Blake.

Regarding claim 19, Blake discloses an intraocular lens (Abstract and Column 5, lines 34-63, wherein an intraocular lens "10" is formed, Figures 1, 15, and 29), comprising a central

optical zone (Column 5, lines 34-63, wherein the central zone is the central corrective area shown on the anterior surface "12" of the lens "10", Figures 1, 15, and 29), the central optical zone having a first surface and an opposite second surface (Column 5, lines 34-63, wherein the central zone has an anterior surface "12" and a posterior surface (not shown), Figures 1, 15, and 29), wherein at least one of the first and second surfaces includes a top boundary, a bottom boundary, a vertical meridian, a horizontal meridian (Shown in Figures 1, 15, and 29, wherein the optical zone is segmented and has a top and bottom boundary as well as a vertical and horizontal meridian), a distance vision zone and a rotationally-asymmetrical progressive zone adjacent to the distance vision zone (Column 5, lines 34-63, wherein the distance vision zone is "14" and the rotationally-asymmetrical progressive zone is "16", Figures 1, 15, and 29); wherein the distance vision zone is located in the upper portion of the central optical zone and provides a distance power for distance vision correction (Column 5, lines 34-63, wherein the distance vision zone is "14" and has the same curvature as the posterior side, therefore providing distance vision correction, Figures 1, 15, and 29); wherein the rotationally-asymmetrical progressive zone is located in the lower portion of the optical zone and provides variable intermediate vision correction and near vision correction (Column 5, lines 34-63, wherein the progressive zone "16" and the zone "18" provide intermediate vision and near vision correction, since the curvature decreases gradually in zone "16" and then flattens out in zone "18" to provide a longer radius of curvature than zone "14", therefore providing near vision correction, Figures 1, 15, and 29).

Regarding claim 48, Blake discloses a method for producing an intraocular lens capable of correcting presbyopia (Abstract and Column 5, lines 34-63, wherein an intraocular lens "10" provides near, far and intermediate vision and therefore corrects presbyopia, Figures 1, 15, and

29), comprising the steps of designing an intraocular lens which comprises a central optical zone (Column 5, lines 34-63, wherein the central zone is the central corrective area shown on the anterior surface "12" of the lens "10", Figures 1, 15, and 29) having a first surface and an opposite second surface (Column 5, lines 34-63, wherein the central zone has an anterior surface "12" and a posterior surface (not shown), Figures 1, 15, and 29), wherein at least one of the first and second surfaces includes a top boundary, a bottom boundary, a vertical meridian, a horizontal meridian (Shown in Figures 1, 15, and 29, wherein the optical zone is segmented and has a top and bottom boundary as well as a vertical and horizontal meridian), a distance vision zone and a rotationally-asymmetrical progressive zone adjacent to the distance vision zone (Column 5, lines 34-63, wherein the distance vision zone is "14" and the rotationally-asymmetrical progressive zone is "16", Figures 1, 15, and 29); wherein the distance vision zone is located in the upper portion of the central optical zone and provides a distance power for distance vision correction (Column 5, lines 34-63, wherein the distance vision zone is "14" and has the same curvature as the posterior side, therefore providing distance vision correction, Figures 1, 15, and 29); wherein the rotationally-asymmetrical progressive zone is located in the lower portion of the optical zone and provides variable intermediate vision correction and near vision correction (Column 5, lines 34-63, wherein the progressive zone "16" and the zone "18" provide intermediate vision and near vision correction, since the curvature decreases gradually in zone "16" and then flattens out in zone "18" to provide a longer radius of curvature than zone "14", therefore providing near vision correction, Figures 1, 15, and 29).

Regarding claims 20 and 49, Blake discloses an intraocular lens and method of making an intraocular lens as shown above and further discloses that the rotationally-asymmetrical

progressive zone has an upper boundary, a lower boundary, a radial center located in the vertical meridian and below the center of the optical zone (Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, wherein the upper boundary is the top of the zone "16" and the lower boundary is the bottom of zone "18", Figures 1, 15, and 29), and wherein the rotationally-asymmetrical progressive zone further has a surface that provides a power profile that increases along the vertical meridian, from the distance power at the upper boundary to a near power at the radial center (Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, wherein the progressive zone has a decreasing radius of curvature and therefore an increasing power profile Figures 1, 15, 27, and 29) and then remains substantially constant from the radial center to a point near the lower boundary along the vertical meridian (Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, wherein the power profile is constant since the radius of curvature flattens out from the radial center to the lower boundary in zone "18", Figures 1, 15, and 29).

Regarding claims 21 and 50, Blake discloses an intraocular lens and method of making an intraocular lens as shown above and further discloses that the distance zone extends downwardly from the top boundary of the central optical zone (Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, wherein the distance zone extends from the top edge of the lens, Figures 1, 15, and 29); wherein the lower boundary line of the distance zone with the rotationally-asymmetrical progressive zone is at or slightly below a horizontal line passing through the center of the central optical zone and parallel with the horizontal meridian, at least in its central portion (Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, wherein the lower boundary of the distance vision zone is slightly below a horizontal line passing through the center of the central optical zone parallel to the horizontal meridian, as shown in Figure 29).

Regarding claims 22 and 51, Blake discloses an intraocular lens and method of making an intraocular lens as shown above and further discloses that the apex of the distance vision zone coincides with the center of the central optical zone and wherein the optical axis of the lens passes through the apex of the distance vision zone and the center of the optical zone of the posterior surface (Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, shown in Figures 1, 15, and 29).

Regarding claims 23 and 52, Blake discloses an intraocular lens and method of making an intraocular lens as shown above and further discloses that the radial center is located below the center of the central optical zone and on the vertical meridian and wherein the distance between the radial center and the optical axis of the lens is about 2.0 mm or less (Column 1, lines 44-52, and Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, wherein the lens is 3-5 mm and therefore the radial center as shown in Figure 29 is less than about 2.0 mm below the optical axis).

Regarding claims 24-25 and 53-54, Blake discloses an intraocular lens and method of making an intraocular lens as shown above and further discloses that a first line passing through the radial center and the center of curvature at the radial center intersects the optical axis of the lens, wherein the intersection point is within 2 mm or less of the center of curvature at the apex (Column 1, lines 44-52, and Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, wherein the lens is 3-5 mm and therefore a line passing through the radial center and center of curvature intersects the optical axis of the lens, wherein the intersection point is within 2 mm or less of the center of curvature at the apex, Figures 1, 15, and 29) but does not specifically disclose that this causes a lateral separation of the distance formed image and the progressive

formed image to minimize or eliminate ghost images. However, it is inherent that lens would reduce ghost images, this being reasonably based upon the fact that a spacing between the optical axis and a progressive zone would allow proper alignment of focus for the distance and intermediate zone vision and reduce secondary images (Shown in Figures 1, 15, 27, and 29).

Regarding claims 26 and 55, Blake discloses an intraocular lens and method of making an intraocular lens as shown above and further discloses that the rotationally-asymmetrical progressive zone is tangent to the distance vision zone at any point along the upper and lower boundaries of the rotationally-asymmetrical progressive zone (Column 1, lines 44-52, and Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, Shown in Figure 27).

Regarding claims 27 and 56, Blake discloses an intraocular lens and method of making an intraocular lens as shown above and further discloses that the rotationally-asymmetrical progressive zone has a surface that provides a power addition profile, along the vertical meridian, which is defined by two or more linear functions of the claimed equations (Column 1, lines 44-52, and Column 5, lines 34-63 and Column 6, line 29-Column 7, line 44, wherein the asymmetrical progressive zone has a radius of curvature defined by the claimed equations, specifically equations 1 and 3, Shown in Figure 27).

Regarding claims 28-29, Blake discloses an intraocular lens as shown above and further discloses that the lenses are aphakic and comprise haptics (Column 5, lines 34-63 and Column 16, lines 51-61, wherein the lenses replace the natural human lens, i.e. aphakic, and comprise haptics "22" and "24", Figures 1, 15, and 29).

Regarding claims 57-59, Blake discloses a method of making an intraocular lens as shown above and further discloses the lens is made by a computer-controllable lathe (Column 3,

lines 24-43 and Column 11, line 51-Column 12, line 19, wherein the intraocular lens is made using a lathe, Figures 11-13).

Allowable Subject Matter

Claims 13, 17, 40, and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowable subject matter: none of the prior art alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103.

Specifically regarding claims 13 and 40, none of the prior art alone or in combination disclose or teach of a contact lens including a distance vision zone and a rotationally-asymmetrical progressive zone that provides a power addition profile, along the vertical meridian, as shown above, specifically wherein the power addition profile of the rotationally-asymmetrical progressive zone is defined by two or more linear functions of the claimed equations.

Specifically regarding claims 17 and 44, none of the prior art alone or in combination disclose or teach of a contact lens including a distance vision zone and a rotationally-asymmetrical progressive zone in a central optical zone as shown above, specifically wherein a blending zone extends outwardly from and is tangent to the central optical zone, wherein a peripheral zone surrounds the blending zone, and a boundary zone circumscribes and is tangent to the peripheral zone in combination with the peripheral zone having a thickness profile as claimed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Umeda et al is cited as having some similar structure to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz
Patent Examiner
AU 2873
September 28, 2005

JORDAN SCHWARTZ
PRIMARY EXAMINER